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Commonwealth of Virginia

RESPONSE TO PETITION FOR RULEMAKING

Check one: ☐ Initial Agency Notice ☒ Agency Decision

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Agency Name: Department of Environmental Quality

Chapters affected:

VAC No. <i>(e.g., 4 VAC 20-490):</i>	Chapter Name <i>(e.g., Regulations Pertaining to Sharks):</i>
9 VAC 25-260	Water Quality Standards regulation

Statutory Authority: § 62.1-44.15(3a)

Name of petitioner: Cowpasture River Preservation Association

Nature of petitioner's request: Designate as an exceptional state surface water the Cowpasture River between its confluence in Bath County with the Bullpasture River and its confluence with the Jackson River in Botetourt County and Simpson Creek, including all named and unnamed tributaries, from its headwaters downstream to its confluence with the Cowpasture River in Alleghany County.

INITIAL AGENCY NOTICE

Agency's plan for disposition of the request: The State Water Control Board will decide whether or not to move forward with the rulemaking at their first quarterly meeting of 2004.

Comments may be submitted until 5:00 PM on March 1, 2004

AGENCY DECISION

☒ Request Granted

☐ Request Denied

Statement of reasons for decision: The decision made by the State Water Control Board at their meeting on June 17, 2004 to initiate rulemakings to amend the Water Quality Standards regulation to designate as Exceptional State Waters the mainstem of the Cowpasture River from the Bath County - Alleghany County line downstream to its confluence with the Jackson River in Botetourt County and Simpson Creek and its tributaries and to include in the Notice of Intended Regulatory Action a request for comment on what would be the appropriate boundary designations for the Cowpasture River and Simpson Creek was based on a DEQ staff presentation on March 23, 2004 of: 1) a summary of comments received from potentially impacted localities and riparian landowners and the general public and 2) a summary of the findings from site visits to determine if the waterbodies met the eligibility criteria and a follow-up staff presentation on June 17, 2004 to advise the Board that staff had worked, as directed by the Board at their March 23 meeting, with the petitioner and the community to redefine the scope of the nomination.

Agency Contact for Further Information:

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